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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,440	09/21/2001	Cary Gloodt	41006-9	5775

7590 02/19/2003

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INDIANPOLIS, IN 46204

EXAMINER

HEPPERLE, STEPHEN M

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,440

Applicant(s)

GLOODT, CARY

Examiner

Stephen M. Hepperle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marty et al. or Yeh et al. Marty or Yeh shows a mixing valve having hot and cold water supply, a pressure balancing valve, and a shower outlet.. There is no disclosure of a flexible line to the shower, but flexible shower lines are notoriously old. The references do not show primary and secondary pipes. However, it is well known that the vast majority of household plumbing systems will include pipelines for both hot and cold water that branch out to feed multiple valves. A system that meets the claim would merely comprise a hot and cold pipe arrangement in a house that splits to feed both a shower valve as shown by Yeh or Marty and another arrangement with separate hot and cold water valves (tub, sink, or laundry supply), with a flexible hose for the shower. It would have been obvious to provide a house plumbing system with a pressure balanced shower valve as shown by Yeh or Marty and a flexible shower hose to make it easier for handicapped people to shower or make it easier to clean the shower.

Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marty et al or Yeh et al. alone or in view of Booth (UK 498,834). Marty or Yeh shows a mixing valve having hot and cold water supply, a pressure balancing valve, and a shower outlet.. There is no disclosure of a flexible line to the shower, but flexible shower lines are notoriously old. Booth shows a shower with a flexible line a. It would have been obvious to provide a flexible line for

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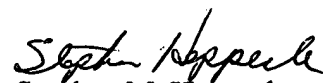
the Yeh or Marty shower as is well known, or in view of Booth, to make it easier for handicapped people to shower or make it easier to clean the shower.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lin and Breiting show flexible shower lines. Monch shows a flexible shower line 27 incorporated in a faucet. Reid shows a split plumbing arrangement where one line feeds a shower. Peglers (UK 491,391) shows hot and cold lines with each having a valve d, e, and a branch line that combine at *n* to feed a shower line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Hepperle whose telephone number is 703-308-1051. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Buiz can be reached on 703-308-0871. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7765 for regular communications and 703-308-7765 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.


Stephen M. Hepperle
Primary Examiner
Art Unit 3753

SMH
February 9, 2003